

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

NELSON NICOLAS NUNEZ-ACOSTA,
and FELIPE GENAO MINAYA,

Defendants.

4:18CR3058

ORDER

Defendant Nunez-Acosta has moved to continue his change of plea hearing, (Filing No. 109), because Defendant's newly appointed counsel needs additional time to review discovery and confer with the client, this case is over two years old. Nunez-Acosta's change of plea hearing was originally set for December 18, 2019. (Filing No. 84). Setting aside continuances due to the pandemic, the change of hearing was previously continued three times. While the court acknowledges that the motion to continue is unopposed and that new counsel may need time to review the case and confer with the defendant before the plea hearing, the court also has a duty to progress criminal cases to a timely resolution.

Accordingly,

IT IS ORDERED:

1) Defendant Nunez-Acosta's motion to continue, (Filing No. 109), is granted, and the change of plea hearing is continued to **July 29, 2020 at 10:00 a.m.**

2) **As to both defendants**, the trial of this case is set to commence before the Honorable John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on August 24, 2020**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.

3) **As to both defendants**, the time between today's date and August 24, 2020, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

4) **No further continuances will be granted in this case absent a very substantial showing of good cause.**

Dated this 1st day of July, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge